

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PAULA PAGONAKIS,)
)
Plaintiff,)
)
v.) NO. 1:06-CV-00027 (SLR)
)
EXPRESS LLC a/k/a)
LIMITED BRANDS, INC.,)
)
Defendant.)

**SECOND STIPULATION TO CONTINUE DISCOVERY,
DISPOSITIVE MOTION AND MOTIONS IN LIMINE DEADLINES**

1. Pursuant to Local Rule 16.5, Plaintiff Paula Pagonakis (“Plaintiff”) and Defendant Express LLC (“Defendant”) (collectively referred to hereinafter as the “Parties”) hereby agree and stipulate to a short extension of the discovery, dispositive motion and motions in limine deadlines and request approval from this Court.

2. This request is being made before the expiration of the discovery deadline. Pursuant to the Judge Sleet’s Order of September 26, 2006, which granted the parties first request for extension of deadlines, the discovery deadline is currently set for December 1, 2006, the dispositive motion deadline is set for December 15, 2006, and motions in limine are due by February 1, 2007.

3. This request is being made because although the Parties have been diligently pursuing discovery, they will be unable to complete all discovery before December 1, 2006. The Parties have exchanged written discovery and are finalizing the exchange of documents.

4. The Parties had met with discovery disagreements and have attempted to meet and confer on numerous occasions in order to avoid judicial intervention, which meeting and conferring had consumed time.

5. The Parties have discussed scheduling depositions, the Plaintiffs deposition has been taken and one of Defendant's employees has been deposed, and they are working together to find mutually available dates for additional witnesses.

6. The parties have recently learned that several witnesses that will need to be deposed by Plaintiff are no longer in the employ and control of Defendant, and Plaintiff is seeking their testimony via subpoena. At least one of those witnesses lives outside of this judicial district, in New Jersey.

7. In addition, both lead counsel for Plaintiff and Defendant are located out of state, requiring travel, and time off due to the Thanksgiving, and Christmas/Hanukah Holidays will consume additional time and will present further difficulties in scheduling the depositions of third parties.

8. Accordingly, the Parties stipulate to the following proposed extension of the case schedule:

- Discovery cut off: February 1, 2006
- Dispositive motion deadline: February 15, 2006
- Motions in limine due: April 1, 2006

9. In terms of the remaining dates, the Parties' understand that now that this matter has been transferred to Judge Sue L. Robinson, Judge Robinson may designate other dates per her own schedule, and the Parties obviously will abide by any dates Judge Robinson proposes for trial and the like.

10. Lead counsel for Plaintiff and Defendant certify that a copy of this request has been provided to their clients. *See* attached Exhibit A.

Of counsel:

David A. Campbell (#0066494)

Admitted pro hac vice

Lori L. Fauvie (#0076831)

Admitted pro hac vice

VORYS, SATER, SEYMOUR

AND PEASE LLP

2100 One Cleveland Center

1375 East Ninth Street

Cleveland, Ohio 44114

Telephone: 216-479-6100

Fax: 216-479-6060

dacampbell@vssp.com

llfauvie@vssp.com

By /s/ Francis G. X. Pileggi

Francis G.X. Pileggi (I.D. # 2624)

FOX ROTHSCHILD LLP

Citizens Bank Center

919 North Market Street

Suite 1300, 13th Floor

Wilmington, DE 19801-2323

Telephone: 302-655-3667

Fax: 302-656-8920

fpileggi@foxrothschild.com

Of counsel:

James C. Bailey

Jason H. Ehrenberg

Bailey & Ehrenberg PLLC

1155 Connecticut Avenue NW

Suite 1100

Washington, D.C.

Telephone: 202-787-3869

Fax: 202-318-7071

jcb@becounsel.com

By: /s/Gary W. Aber

Gary Aber (I.D. # 754)

Aber, Goldlust, Baker & Over

702 King Street

P.O., Box 1675

Wilmington, DE 19899

Telephone: 866 -826-4950

Fax: 302-472-4920

gaber@gablawde.com

The Honorable Sue L. Robinson

Dated: November 30, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PAULA PAGONAKIS,)
)
Plaintiff,)
)
v.) NO. 1:06-CV-00027 (GMS)
)
EXPRESS LLC a/k/a)
LIMITED BRANDS, INC.,)
)
Defendant.)

LOCAL RULE 16.5 CERTIFICATION OF PLAINTIFF'S COUNSEL

Pursuant to Local Rule 16.5, I hereby certify that a copy of the *Stipulation To Continue Discovery, Dispositive Motion And Motions In Limine Deadlines* was sent to Plaintiff Paula Pagonakis.

/s/ Gary W. Aber
One of the Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PAULA PAGONAKIS,)
)
Plaintiff,)
)
v.) NO. 1:06-CV-00027 (GMS)
)
EXPRESS LLC a/k/a)
LIMITED BRANDS, INC.,)
)
Defendant.)

LOCAL RULE 16.5 CERTIFICATION OF DEFENDANT'S COUNSEL

Pursuant to Local Rule 16.5, I hereby certify that a copy of the *Stipulation To Continue Discovery, Dispositive Motion And Motions In Limine Deadlines* was sent to Defendant Express, LLC's corporate representative.

/s/ Gary W. Aber
One of the Attorneys for Defendant